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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF: FREEDOM OF EXPRESSION

Written statement*/ submitted by the Islamic Women's Institute of Iran, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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I would present myself as an activist in the field of the rights of people, specially in those areas related to the women's, having seventeen and a half years experience in working as a professional journalist.

The human rights is a word originating from the process of creation of the mankind; the concept has been referred to in various ways by the teachings of Divine religions and the commandments of human welfare. I come from Iran, a country where it is the religious fundamentals which normally define and determine the rights and duties of the people vis-a-vis the rulers. Hence, this is not absolutely an easy task to make an illustration of the freedom of expression and to make an assessment of its observation in Iran when there is lacking determination of the relevant religious foundations, and specially Islamic norms and criteria (which have been admitted by more than ninety eight percent of the Iranian population). This would not seem an exaggeration at all. In this summary determination, however, the criteria provided by the Iranian Constitution and its international commitments must also be considered:

1. In the Moslems' Holy Book, it has been revealed to Nabi Mokaram, the Prophet, "Then remind them!", because it is your duty to remind not to inspect and oblige them.[1] Also the servants are given good tidings when they listen to various words and pick up best of them.[2] In other place, God swears to Pen, and what is thereby inscribed.[3] In studying the narrations, traditions and style of life of grand personalities of Islam Religion, we would find protection of the freedom of expression and encouragement of Moslems to enjoy such freedom. For instance, Hazrat Ali (Peace be upon him), states that one who welcomes and makes assessment of various ideas and opinions, he will find the items of error and misconduct.[4] The Prophet of Islam says, "One who keeps silence and dumb side on a matter of truth and righteousness is a dumb and deaf Satan indeed". There are numerous cases in history of life of Islam's great men where the most serious opponents stated their word of criticism with complete freedom, without being subjected to the least possible sort of transgression and annoyance. These foundations clearly show that in Islamic approach, the notion of freedom of expression enjoys a very distinguished standing among the rights of human beings. Even in the social arena, the duty of commandment to goodness and impediment of evil is regarded as a public duty; with a freely enjoyment of freedom of expression, everybody is in the capacity to ban on evil and impede the rulers from

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[1] "Then remind them! Thou art only a reminder; thou art not charged to oversee them", [Holy Qur'an, The Enveloper, 88:22]

[2] "So give thou good tidings to My servants who give ear to the word and follow the fairest of it.", [Holy Qur'an, the Companies, 39:17-18]

[3] "By the Pen, and what they inscribe.", [Holy Qur'an, 68:1]

[4] Vasa'el Alshi'ite, vol.6, p.429

abuse of rights. Based on such a clear and bright foundation, evidently the statesmen in Islamic countries may not make barrier to or limitation on the human rights with reliance on the religious foundations; they must be treated with the required respect.

2. After the victory of the Islamic revolution in Iran (1979), the people voted for and admitted the Constitution. It is a fundamental instrument which insists on the rights of people for enjoyment of freedom of expression. Principle 3 of the Constitution, in 16 paragraphs enumerates the duties of State in the planning of the macropolicy, referring, inter alia, to the following:

...

2. To raise the level of public awareness in all areas by making proper use of the press, mass media and other means.

...

6. To eliminate all forms of dictatorship, autocracy and monopoly.

...

8. To seek public participation in the determination of their political, economic, social and cultural destiny.

In the meantime, Principle 23 of Iranian Constitution provides: "Investigation of one's beliefs shall be prohibited. No one may be offended or reprimanded simply because of having a certain belief."

Principle 24 declares: "Publications and the press shall have freedom of expression unless they violate the essentials of Islam or public rights...."

Finally, in Principle 175, in determination of the Iranian official broadcast media, it has been provided: "Freedom of speech and expression of ideas must be guaranteed at the Islamic Republic of Iran Broadcast (Radio & TV), with due observance of the principles and criteria of Islam and the interests of the country."

Thus, it is observed that the Constitution of Islamic Republic of Iran which is based on the religious criteria and norms accepted by the Iranian society, strongly provides for freedom of expression and freedom of mass media, and the State must observe those provisions. By virtue of Principle 9 of the Constitution, "...No authority shall be allowed to usurp legal freedoms and liberties on the pretext of safeguarding the national independence and territorial integrity, even by enacting laws and regulations.

3. The Islamic Republic of Iran, while standing as a signatory party to the Universal Declaration of Human Rights at the time of its announcement in 1948, it also later on adhered and joined to the International Covenant on Civil and Political Rights and

International Covenant on Economic, Social and Cultural Rights; based on the provisions of the said two Covenants, it is bound to observe the criteria and norms reflected in these instruments. In the Iranian legal system, either of the international instruments which Iran accepts and joins to them is regarded as a regular national law. We all know that the obligation for observation of freedom of speech and expression by the civilians have been most emphasised in Articles 18 & 19 of UDHR and ICCPR.

4. An objective study of the present situation from the viewpoint of observation of the freedom of expression in Iran indicates this fact that after lapse of 22 years from the revolution, and despite the above-explained theoretical foundations, the country has experienced a recycle of two phases of expansion and limitation in the matter of freedom of expression, while it has been involved during these years in various ups and downs. This process has been influenced by political and social evolutions and some events like the armed attack to Iran, eight years of war imposed by Iraq against Iran, terrorist activities of some groups.... However, this fact should not be ignored that during the recent three years, after the last Presidential elections, the national enthusiasm and interest for enjoyment of political freedoms have shown an incremental trend. Taking account of the governmental plans in this field, we have witnessed a very good opening in this scene, although the Iranian society unfortunately has also passed some bitter experiences during this same period, one of which is the closure of almost 20 dailies and publications and imprisonment of a number of the journalist by the judicial authorities. Upon the closure of the said dailies and publications, some other publications emerged in the society, of course, and they tried their best to fill up the gap resulting from the closure of the said papers in the course of free circulation of media and info. ation. During the recent two years, the Parliament was involved in serious debates in the matter of the Iranian Law of the Press as the central point of focus. Finally, the previous parliament, made some amendments to the previous Law of the Press. It seems that the said amendments are somehow restrictive, and for this same reason, during the recent months, the members of the new parliament or Islamic Consultative Assembly have made some attempts for remedying the said limitations and restrictions, an attempt which has not been fruitful by now.

During the past three years, independent institutions like Islamic Human Rights Commission have strengthened and broadened their scope of activities; the press

guild association has emerged as a solemn and earnest institution in Iran. This matter by itself empowered the course of supervision and observation by the said institutions and the reformist political parties, whose activities resulted in providing a better ground for promotion of journalistic affairs.

During the past months, there has been raised a debate among various groups including the parliament, on the requisition for filling up the legal gaps in the matter of proper supervision on the Islamic Republic of Iran Broadcast (Radio & TV) system. The outcomes will normally appear in future.

5. The future prospect in the matter of free circulation of information in Iran, also further stabilisation of freedom of expression, will be dependent on the following facts and events:
   - An attempt should be launched for making a reconciliation among various ideas, which have led by now to a bilateral misunderstanding among the responsible authorities and/or the powerful religious, political and social characters; the current trend will have a negative impact on the course of free circulation of media and information.
   - A comprehensive law should be compiled and codified in the matter of the press as well as the other media, including the IRIB.
   - Civil institutions should be more expanded and strengthened for the purpose of implementing an institutionalized supervision on the performance of the duties by the state centres.
   - The spirit of tolerance and co-existence should be promoted and expanded among various groups of people, causing such process to be more deepened.
   - The state, and specially judicial authorities should be bound to observe the Constitution.
   - The President, in the capacity of the responsible authority in the matter of implementation of the Constitution, should be given and empowered with the required authority in order to be able to make barrier to the process of violation of law.
   - The professional knowledge should be promoted among the people in charge of various media; the media and professionals in the media should be alert in the matter of observation of the religious beliefs and delicacies of the Iranian society.

On the part of my Organization, I would declare that in spite of all eventual costs which may be incurred and the disasters which may occur as the result of the activities by those who violate and infringe the human rights, however, the majority of Iranian nation, including the women and the youth have taken step on a path which has no way to return. Such a national will and intention definitely will follow up its complementing process in spite of all acts of sabotage and illegal reproachments. It will definitely have its impact on events, and in future, most probably, we will witness more stabilisation of freedom of expression in our country. It is attempted that with due observation of the religious norms accepted by majority of people, the utmost enjoyment of legitimate freedoms will become possible. Those who insist on infringement of the rights of people will everincreasingly become isolated in the society. It is hoped that such isolation will lead to their correction or execution of justice after all.